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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,003	11/14/2003	Bruce D. Johnson	J63.202	2086

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Clayton R. Johnson
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EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,003

Applicant(s)

JOHNSON, BRUCE D.

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/1/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first Office Action for the serial number 10/714,003, CABLE CLAMP, filed on 11/14/03.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 7/1/04 was filed after the mailing date of the filing date on 11/14/03. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "fasteners" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claim 7, line 2, "that" should be changed to ---than--- for clarification.

Claim 14, line 11, "leasst" should be changed to ---least--- for clarification.

Claim 21 recites the limitation "recesses" in line 13. There is insufficient antecedent basis for this limitation in the claim.

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Claims 2-13 are rejected as depending on rejected claim 1. Claims 15-20 are rejected as depending on rejected claim 14. Claims 22-23 are rejected as depending on rejected claim 21.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by
US Patent # 4,431,152 to Reed, Jr.

Reed, Jr. teaches a cable clamp comprising a base (14) including a block of a longitudinal length greater than its transverse width. The block has an upwardly open channel (located between elements 53-54) extending the longitudinal length thereof. The channel having a web surface (located between element 48 and bottom part of element 54) and transversely spaced side walls (53-54), longitudinally spaced recesses (46) opening upwardly through the web surface and transversely spaced lands (56) that at least in part define the channel side walls. The clamp comprises a longitudinally elongated cover (12) having a top wall with perimetric edge portions (19), flanges (located on both edges of top cover, 24) dependingly joined to the top wall edge portions and having transversely opposite longitudinally elongated portions. The cover comprises a longitudinally elongated ridge (located in the middle of 24) dependingly joined to the top wall in transversely spaced, transversely centered relationship to the flange longitudinal portions. The cover ridge being extendable into the base channel and having protrusions (20) in

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about the same longitudinal spaced relationship as the recesses. The base and cover have vertically aligned mounting screw apertures (66). Each of the base recesses are the same depth, the protrusions include longitudinally remote first and second protrusions and a longitudinally intermediate third protrusion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed Jr.

Reed Jr. teaches the base has at least three upwardly, opening, longitudinally elongated recesses opening to the web surface and the cover has at least three protrusions but fails to teach the three protrusions is being at least partially extendable into the adjacent recesses. It is well known in the art that when cable is not used in the clamp, and that when top and base are connected together, the protrusions will be at a least partially extendable into the adjacent recesses.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed Jr. in view of US Patent # 1,139,748 to Beatty.

Reed Jr, teaches the block has a generally planar bottom surface but fails to teach an elongated chisel point ridge joined to the bottom surface. Beatty teaches the elongated chisel

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point ridges (15) joined to the bottom surface. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the elongated chisel point ridge to Reed, Jr.'s bottom surface as taught by Beatty to provide a friction surface on the bottom of the block to prevent the block from moving in any direction.

In regard to claims 4-5, Reed, Jr. in view of Beatty teaches the chisel point ridges but fails to teach the chisel point ridge has a transversely elongated portion longitudinally adjacent one of the end surfaces and a longitudinally elongated chisel point ridge portion transversely adjacent one of the longitudinal side surfaces. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have expanded the length of Reed, Jr. in view of Beatty's chisel point ridge along the longitudinal side surface and end surface to provide additional support for the clamp to remain mounted on a surface.

Claims 8, 14 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed Jr. in view of US Patent # 5,021,905 to Sleger.

Reed, Jr. teaches a cable clamp comprising a base (14) including a block of a longitudinal length greater than its transverse width. The block has an upwardly open channel (located between elements 53-54) extending the longitudinal length thereof. The channel having a web surface (located between element 48 and bottom part of element 54) and transversely spaced side walls (53-54), longitudinally spaced recesses (46) opening upwardly through the web surface and transversely spaced lands (56) that at least in part define the channel side walls. The clamp comprises a longitudinally elongated cover (12) having a top wall with perimetric edge portions

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(19), flanges (located on both edges of top cover, 24) dependingly joined to the top wall edge portions and having transversely opposite longitudinally elongated portions. The cover comprises a longitudinally elongated ridge (located in the middle of 24) dependingly joined to the top wall in transversely spaced, transversely centered relationship to the flange longitudinal portions. The cover ridge being extendable into the base channel and having protrusions (20) in about the same longitudinal spaced relationship as the recesses. The base and cover have vertically aligned mounting screw apertures (66). Each of the base recesses are the same depth, the protrusions include longitudinally remote first and second protrusions and a longitudinally intermediate third protrusion. The protrusions have trough and crests. The flanges extend downwardly from the top wall, lower elevation than the protrusions and having longitudinally opposite end portions defining downwardly opening slots with top edges at about the elevation as the ridge planar surfaces.

Reed Jr. teaches the base and cover have vertically aligned clamping screw apertures (66) for clamping screws (31) to be inserted therein but fails to teach one of apertures from base or cover being threaded. Slegner teaches the aperture (17) having threaded. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added threaded to Reed Jr.'s cover as taught by Slegner to provide additional security for the screw to be retained in the aperture.

Claims 16-17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed Jr. in view of Slegner and in further view of Beatty.

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Reed Jr. in view of Sleger teaches the block has a generally planar bottom surface but fails to teach an elongated chisel point ridge joined to the bottom surface. Beatty teaches the elongated chisel point ridges (15) joined to the bottom surface. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the elongated chisel point ridge to Reed, Jr.'s in view of Sleger bottom surface as taught by Beatty to provide a friction surface on the bottom of the block to prevent the block from moving in any direction.

Reed, Jr., Sleger and in view of Beatty teaches the chisel point ridges but fails to teach the chisel point ridge has a transversely elongated portion longitudinally adjacent one of the end surfaces and a longitudinally elongated chisel point ridge portion transversely adjacent one of the longitudinal side surfaces. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have expanded the length of Reed, Jr., Sleger and in view of Beatty's chisel point ridge along the longitudinal side surface and end surface to provide additional support for the clamp to remain mounted on a surface.

Allowable Subject Matter

Claims 7, 10-13 and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

In regards to claim 7, the prior art fails to teach the maximum distance that the ridge depends from the cover top wall is less than the maximum distance the flanges depend from the top wall and the ridge. In regard to claims 10-13, the prior art fails to teach the first and second protrusions are convexly curved to extend in a downward direction and have a crest. In regards

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to claim 15, the prior art fails to teach wherein the first and third protrusions are convexly curved and have crests and the second protrusion has a crest that is generally planar to provide transversely extending edges.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Application Publication #2003/0136884 to Miura

US Patent # 3,246,076 to Stoneburner

US Patent # 4,517,408 to Pegram

US Patent # 4,032,212 to Faust et al.

US Patent # 1,413,690 to Slocum

Miura, Stoneburner, Pegram, Faust et al. and Slocum teach the cable clamp for clamping a wire/cable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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A handwritten signature in black ink, appearing to read "A. Joseph Wujciak III", with a stylized flourish at the end.

2/7/05